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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

MARC SPITZER - Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
MIKE GLEASON
KRISTEN K. MAYES

Arizona Corporation Commission

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ARIZONA CORPORATION COMMISSION
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IN THE MATTER OF THE APPLICATION
OF THE TOWN OF SAHUARITA, ARIZONA
TO ESTABLISH A NEW RAILROAD
CROSSING WITH AUTOMATIC WARNING
DEVICES AT THE TRACKS OF THE UNION
PACIFIC RAILROAD COMPANY AT M.P.
1009.18.

DOCKET NO. RR-03639A-00-0560

REQUEST FOR FURTHER EXTENSION OF TIME

On November 2, 2000, the Arizona Corporation Commission ("Commission") issued Decision No. 62987 which approved the construction of a new railroad crossing with automatic warning devices at the tracks of the Union Pacific Railroad Company ("Railroad") at the Madera Highlands Subdivision ("Subdivision"), in Sahuarita, Arizona, M.P. 1009.18. The crossing, which will allow access to the new Subdivision, was to be completed by January 31, 2002.

On January 24, 2002 and March 31, 2003, the Administrative Law Judge issued procedural orders each granting an extension of time for the completion of the crossing, ultimately to August 1, 2004. The bases of these extension were the downturn in the general economy and other factors beyond the developer's control that slowed development of the Subdivision from original expectations.

As of this date, the construction of the development has not yet commenced. The economic circumstances affecting the Subdivision have not changed in the last year, and

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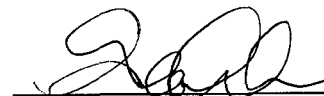
1 the development of the Subdivision is being further delayed although it is expected to
2 move forward in the next 12 months. Until construction of the Subdivision commences,
3 there will be no substantial traffic over the crossing, which has existed as a private rail
4 crossing for over 40 years. Accordingly, the developer, Madera Highlands, L.L.C.
5 ("Madera Highlands"), hereby requests an additional 15-month extension of the deadline
6 for completion of the railroad crossing, to August 1, 2004.

7 Madera Highlands notes that the initial application in this matter was filed by the
8 Town of Sahuarita ("Town") at Madera Highlands' request. The Town has been informed
9 by Madera Highlands as to the need for the extension and supports this request. Madera
10 Highlands has also discussed this request with and asked for the consent of the Union
11 Pacific Railroad. Madera Highlands anticipates a letter of support from the Town and a
12 response from the Railroad on or about July 26, 2004 and will supplement this request as
13 soon as the Town's letter and Railroad's response are received.

14 In any event, Madera Highlands believes that a further extension in completing the
15 crossing as requested herein is appropriate under the circumstances, and will avoid the
16 need for a future application and hearing for the crossing already approved by the
17 Commission. Therefore, Madera Highlands respectfully requests that the Administrative
18 Law Judge issue a procedural order extending the date by which the railroad crossing
19 must be completed to November 1, 2005. Madera Highlands has also discussed this
20 request with Staff counsel and the parties would be available for a telephonic procedural
21 conference during the week of July 26, 2004 should the Administrative Law Judge have
22 questions regarding this request.

RESPECTFULLY SUBMITTED THIS 22nd day of July, 2004.

SNELL & WILMER L.L.P.



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Attorneys for Madera Highlands, L.L.C.

Original and thirteen (13) copies of the
foregoing filed this 22nd day of July, 2004.

COPY of the foregoing mailed this
22nd day of July, 2004 to:

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